

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSE ORRACA,

Plaintiff,

vs

9:04-CV-1249

DOCTOR LEE,

Defendant.

APPEARANCES:

JOSE ORRACA
Plaintiff, Pro Se
9D-A-9300
Southport Correctional Facility
P.O. Box 2000
Pine City, NY 14871

MAYNARD, O'CONNOR, SMITH
& CATALINOTTO, LLP
Attorneys for Defendant
6 Tower Place
Albany, New York 12203

DAVID N. HURD
United States District Judge

OF COUNSEL:

MICHAEL T. SNYDER, ESQ.
AARON M. BALDWIN, ESQ.

ORDER

Plaintiff, Jose Orraca, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated January 25, 2007, the Honorable David R. Homer, United States Magistrate Judge, recommended that the defendant Dr. Lee's motion for summary judgment be granted and the case be terminated. Objections to the Report Recommendation have been filed by the parties.

Based upon a de novo review of the portions of the Report-Recommendation to which the parties have objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

Accordingly, it is

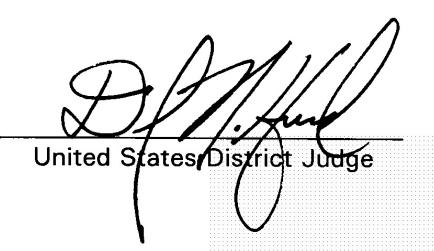
ORDERED that

1. The defendant's motion for summary judgment is GRANTED; and
2. The complaint is DISMISSED.

The Clerk shall file judgment accordingly.

IT IS SO ORDERED.

Dated: March 29, 2007
Utica, New York.



United States District Judge